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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To prohibit congressional recesses until Congress adopts a concurrent resolution on the budget that results in a balanced Federal budget by the last fiscal year covered by such resolution, to establish a 5-year ban on individuals appointed to Executive Schedule positions and Members of Congress engaging in lobbying activities at the Federal level, to provide for the termination of further retirement coverage for Members of Congress under the Federal Employees' Retirement System, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. GALLAGHER introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To prohibit congressional recesses until Congress adopts a concurrent resolution on the budget that results in a balanced Federal budget by the last fiscal year covered by such resolution, to establish a 5-year ban on individuals appointed to Executive Schedule positions and Members of Congress engaging in lobbying activities at the Federal level, to provide for the termination of further retirement coverage for Members of Congress under the Federal Employees' Retirement System, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Serve the People, Not  
5 the Swamp Act”.

6 **SEC. 2. HOUSE AND SENATE APPROVAL OF REGULAR AP-**  
7 **PROPRIATION BILLS.**

8       Section 312 of the Congressional Budget Act of 1974  
9 is amended by adding at the end the following new sub-  
10 sections:

11       “(g) HOUSE AND SENATE APPROVAL OF REGULAR  
12 APPROPRIATION BILLS.—

13               “(1) POINT OF ORDER IN THE HOUSE OF REP-  
14 REPRESENTATIVES AGAINST ADJOURNING IN AUGUST  
15 UNTIL HOUSE PASSAGE OF ALL APPROPRIATION  
16 BILLS.—It shall not be in order in the House of  
17 Representatives to consider any resolution providing  
18 for an adjournment period of more than three cal-  
19 endar days during the month of August until the  
20 House of Representatives has approved annual ap-  
21 propriation bills providing new budget authority  
22 under the jurisdiction of all the subcommittees of  
23 the Committee on Appropriations of the House of  
24 Representatives for the fiscal year beginning on Oc-  
25 tober 1 of such year.

1           “(2) POINTS OF ORDER IN THE HOUSE OF REP-  
2           RESENTATIVES AND SENATE AGAINST ADJOURNING  
3           UNTIL HOUSE AND SENATE PASSAGE OF ALL APPRO-  
4           PRIATION BILLS.—Beginning on October 1 of a ses-  
5           sion of Congress and during the duration of that  
6           session, it shall not be in order in the House of Rep-  
7           resentatives or the Senate to consider any resolution  
8           providing for an adjournment period of more than  
9           three calendar days for the duration of that session  
10          until the annual appropriation bills providing new  
11          budget authority under the jurisdiction of all the  
12          subcommittees of the Committees on Appropriations  
13          of the House of Representatives and the Senate for  
14          the fiscal year beginning on October 1 of such year  
15          have been presented to the President under section  
16          7 of article I of the Constitution.

17          “(h) NO CONGRESSIONAL RECESSES.—Neither the  
18          Senate nor the House of Representatives may recess or  
19          stand adjourned for a period of longer than 24 hours dur-  
20          ing any calendar year unless and until Congress has  
21          agreed to a concurrent resolution on the budget for the  
22          fiscal year beginning on October 1 of that calendar year  
23          which concurrent resolution projects a balanced budget for  
24          the Government by the last fiscal year covered by that con-  
25          current resolution.”.

1 **SEC. 3. 5-YEAR BAN ON LOBBYING BY INDIVIDUALS AP-**  
2 **POINTED TO EXECUTIVE SCHEDULE POSI-**  
3 **TIONS AND MEMBERS OF CONGRESS.**

4 (a) INDIVIDUALS APPOINTED TO EXECUTIVE SCHED-  
5 ULE POSITIONS.—

6 (1) IN GENERAL.—Section 207(d) of title 18,  
7 United States Code, is amended to read as follows:

8 “(d) RESTRICTIONS ON VERY SENIOR PERSONNEL  
9 OF THE EXECUTIVE BRANCH AND INDEPENDENT AGEN-  
10 CIES.—

11 “(1) VICE PRESIDENT.—

12 “(A) RESTRICTIONS.—In addition to the  
13 restrictions set forth in subsections (a) and (b),  
14 any person who serves in the position of Vice  
15 President of the United States and who, within  
16 2 years after the termination of that person’s  
17 service in that position, knowingly makes, with  
18 the intent to influence, any communication to  
19 or appearance before any person described in  
20 subparagraph (B), on behalf of any other per-  
21 son (except the United States), in connection  
22 with any matter on which such person seeks of-  
23 ficial action by any officer or employee of the  
24 executive branch of the United States, shall be  
25 punished as provided in section 216 of this title.

1           “(B) PERSONS WHO MAY NOT BE CON-  
2           TACTED.—A person described in this subpara-  
3           graph is—

4                   “(i) any officer or employee of any de-  
5                   partment or agency in which the Vice  
6                   President served within a period of 1 year  
7                   before the Vice President’s service or em-  
8                   ployment with the United States Govern-  
9                   ment terminated; and

10                   “(ii) any person appointed to a posi-  
11                   tion in the executive branch which is listed  
12                   in section 5312, 5313, 5314, 5315, or  
13                   5316 of title 5.

14           “(2) FIVE-YEAR RESTRICTION ON INDIVIDUALS  
15           IN EXECUTIVE SCHEDULE AND EQUIVALENT POSI-  
16           TIONS.—

17                   “(A) IN GENERAL.—Except as provided in  
18                   subparagraphs (B) and (C), and in addition to  
19                   the restrictions set forth in subsections (a) and  
20                   (b), any individual employed in a position in the  
21                   executive branch for which the rate of pay is  
22                   the rate of pay payable for any level of the Ex-  
23                   ecutive Schedule under subchapter II of chapter  
24                   53 of title 5 who, within 5 years after the ter-  
25                   mination of his or her service or employment in

1           such position, knowingly makes, with the intent  
2           to influence, any communication to or appear-  
3           ance before any officer or employee of any de-  
4           partment or agency in the executive branch, on  
5           behalf of any other person (except the United  
6           States), in connection with any matter on which  
7           such person seeks official action by any officer  
8           or employee of such department or agency, shall  
9           be punished as provided in section 216 of this  
10          title.

11                 “(B) SPECIAL GOVERNMENT EMPLOY-  
12           EES.—Subparagraph (A) shall not apply to a  
13           special Government employee who serves less  
14           than 60 days in the 1-year period before his or  
15           her service or employment as such employee  
16           terminates.

17                 “(C) WAIVER.—

18                         “(i) AUTHORITY.—Except as provided  
19           in clause (ii), at the request of a depart-  
20           ment or agency, the Director of the Office  
21           of Government Ethics may waive the re-  
22           strictions under subparagraph (A) with re-  
23           spect to a position, or a category of posi-  
24           tions, if the Director determines that—

1                   “(I) the imposition of the restric-  
2                   tions with respect to the position, or  
3                   category of positions, would create an  
4                   undue hardship on the department or  
5                   agency in obtaining qualified per-  
6                   sonnel to fill the position, or category  
7                   of positions; and

8                   “(II) granting the waiver would  
9                   not create the potential for use of  
10                  undue influence or unfair advantage.

11                  “(ii) EXCLUDED POSITIONS.—The Di-  
12                  rector of the Office of Government Ethics  
13                  may not waive the restrictions under sub-  
14                  paragraph (A) with respect to—

15                  “(I) a position in the executive  
16                  branch (including any independent  
17                  agency) for which the rate of pay is  
18                  the rate of pay payable for level I of  
19                  the Executive Schedule; or

20                  “(II) a position in the Executive  
21                  Office of the President for which the  
22                  rate of pay is the rate of pay for level  
23                  II of the Executive Schedule.”.

1           (2) TECHNICAL AND CONFORMING AMEND-  
2           MENTS.—Section 207 of title 18, United States  
3           Code, is amended—

4                   (A) in subsection (c)(2)—

5                           (i) in subparagraph (A)—

6                                   (I) by striking clauses (i) and  
7                                   (iii);

8                                   (II) by redesignating clauses (ii),  
9                                   (iv), and (v) as clauses (i), (ii), and  
10                                  (iii), respectively; and

11                                  (III) in clause (i), as so redesign-  
12                                  nated—

13                                   (aa) by striking “which is  
14                                   not referred to in clause (i)” the  
15                                   first place it appears and insert-  
16                                   ing “for which the rate of pay is  
17                                   not specified in or fixed accord-  
18                                   ing to subchapter II of chapter  
19                                   53 of title 5”; and

20                                   (bb) by striking “, or, for a  
21                                   period of 2 years” and all that  
22                                   follows through the end of clause  
23                                   (i) and inserting a comma; and

24                                   (ii) in subparagraph (C), in the mat-  
25                                  ter preceding clause (i), by striking “clause

1 (ii) or (iv)” and inserting “clause (i) or  
2 (ii)”;

3 (B) in subsection (h)(2), by striking the  
4 second sentence.

5 (b) MEMBERS OF CONGRESS.—Section 207(e)(1) of  
6 title 18, United States Code, is amended—

7 (1) in subparagraph (A), by striking “2 years”  
8 and inserting “5 years”;

9 (2) in subparagraph (B)(i), by striking “Any  
10 person who is a Member of the House of Represent-  
11 atives or an elected officer of the House of Rep-  
12 resentatives and who, within 1 year after that per-  
13 son leaves office,” and inserting “Any person who is  
14 a Member of the House of Representatives and who,  
15 within 5 years after that person leaves office, or any  
16 person who is an elected officer of the House of Rep-  
17 resentatives and who, within 1 year after that per-  
18 son leaves office,”.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 this Act shall apply with respect to any individual who,  
21 on or after the date of the enactment of this Act, leaves  
22 a position to which section 207 of title 18, United States  
23 Code, applies (as amended by this Act).

1 **SEC. 4. TERMINATION OF RETIREMENT COVERAGE OF**  
2 **MEMBERS OF CONGRESS UNDER FEDERAL**  
3 **EMPLOYEES' RETIREMENT SYSTEM.**

4 (a) IN GENERAL.—Subchapter II of chapter 84 of  
5 title 5, United States Code, is amended by inserting after  
6 section 8425 the following:

7 **“§ 8425a. Termination of further retirement coverage**  
8 **of Members of Congress**

9 “(a) IN GENERAL.—Notwithstanding any other pro-  
10 vision of this chapter, effective as of the date of enactment  
11 of this section—

12 “(1) subject to subsection (f), in the case of an  
13 individual who first becomes a Member before such  
14 date of enactment—

15 “(A) such Member shall not be subject to  
16 this chapter for any further period of time after  
17 such date of enactment; and

18 “(B) no further Government contributions  
19 or deductions from basic pay may be made with  
20 respect to such Member for deposit in the  
21 Treasury of the United States to the credit of  
22 the Fund; and

23 “(2) in the case of an individual who first be-  
24 comes a Member on or after such date of enact-  
25 ment—

1           “(A) such Member shall not be subject to  
2           this chapter; and

3           “(B) no Government contributions or de-  
4           ductions from basic pay may be made with re-  
5           spect to such Member for deposit in the Treas-  
6           ury of the United States to the credit of the  
7           Fund.

8           “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in  
9           subsection (a) shall be considered to nullify, modify, or  
10          otherwise affect any right, entitlement, or benefit under  
11          this chapter with respect to any Member covering any pe-  
12          riod prior to the date of enactment of this section.

13          “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS  
14          PLAN NOT AFFECTED.—Nothing in subsection (a) or (b)  
15          shall affect the eligibility of a Member to participate in  
16          the Thrift Savings Plan in accordance with otherwise ap-  
17          plicable provisions of law.

18          “(d) REGULATIONS.—

19                 “(1) IN GENERAL.—Any regulations necessary  
20                 to carry out this section may—

21                         “(A) except with respect to matters under  
22                         subparagraph (B), be prescribed by the Direc-  
23                         tor of the Office of Personnel Management; and

24                         “(B) with respect to matters relating to  
25                         the Thrift Savings Plan, be prescribed by the

1 Executive Director (as defined by section  
2 8401(13)).

3 “(2) REFUNDS.—Notwithstanding subsection  
4 (b), the regulations under paragraph (1)(A) shall, in  
5 the case of a Member who has not completed at  
6 least 5 years of civilian service as of the date of en-  
7 actment of this section, provide that the lump-sum  
8 credit shall be payable to such Member to the same  
9 extent and in the same manner as if such Member  
10 satisfied paragraphs (1) through (4) of section  
11 8424(a) as of such date of enactment.

12 “(e) EXCLUSIONS.—For purposes of this section, the  
13 term ‘Member’ does not include the Vice President.

14 “(f) OPT-IN FOR MEMBERS.—Not later than 90 days  
15 after the date of enactment of this section, a Member cov-  
16 ered by this chapter as of such date may elect, by giving  
17 notice in writing to the official by whom such Member is  
18 paid, to remain subject to this chapter.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 84 of title 5, United States  
21 Code, is amended by inserting after the item relating to  
22 section 8425 the following:

“8425a. Termination of further retirement coverage of Members of Congress.”.